

CHAPTER NO. 860

HOUSE BILL NO. 2554

By Representatives Overbey, Curtiss, Shepard, Eldridge, McCord, Kent, Todd, Armstrong, Tindell, Russell Johnson, Harrison, McKee, Roach, McDaniel, McMillan, Hargrove, Langster, Pleasant, Hargett, Sontany, Montgomery, Harmon, Head, Hagood, Fowlkes, McDonald, Hood, Brenda Turner, DuBois, Baird, Hackworth, Coleman, Bone, West, Towns, Godsey, Maddox, Bittle, Fitzhugh, Odom, Rinks, Fraley, Sargent, Pruitt, Garrett, Brown, Harry Brooks, Gresham, Litz, Yokley, Davidson, Mike Turner, Windle, Crider, Methany, Ferguson, Cobb, Hensley, Phillip Johnson, Rowland, Lois DeBerry, Marrero, Shaw, Henri Brooks, Walker, Patton and Mr. Speaker Naifeh

Substituted for: Senate Bill No. 2725

By Senators Clabough, Ford, Harper and Mr. Speaker Wilder and Senators Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams

AN ACT to amend Tennessee Code Annotated, Title 4; Title 68 and Title 71, relative to fire safety in certain facilities housing vulnerable populations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) The term "facility" as used in this section shall mean any assisted-care living facility as such term is defined in § 68-11-201.

(b) No later than one hundred twenty (120) days after the effective date of this act, any licensed facility that is not fully sprinklered as of the effective date of this act must provide electronically operated smoke detectors with battery back-up power operating at all times in, at least sleeping rooms, day rooms, corridors, laundry rooms, and any other hazardous areas.

(c) Any facility that is not fully sprinklered as of the effective date of this act must submit to the department of health a sprinkler plan for the full sprinklering of the facility.

(1) If the facility provides resident care above the ground floor, the facility must submit the sprinkler plan no later than six (6) months from the effective date of this act.

(2) If the facility provides resident care only on the ground floor, the facility must submit the sprinkler plan no later than eleven (11) months from the effective date of this act.

(3) Any facility that submitted a sprinkler plan to the department prior to the effective date of this act shall not be required to resubmit its plan.

(d) The department of health must review and approve or disapprove any sprinkler plan for a facility within thirty (30) days of the plan being submitted by or on behalf of the facility. Any sprinkler plan for a facility submitted prior to the effective date of this act must be reviewed and approved or disapproved by the department no later than August 1, 2004.

(e) If the department disapproves a sprinkler plan submitted by or on behalf of a facility, that facility or the facility's contractor shall promptly resubmit the plan with any needed corrections or clarifying information. Once resubmitted, the department of health must review and approve or disapprove of the plan no later than thirty (30) days after the plan is resubmitted.

(f) A licensed facility that is not fully sprinklered as of the effective date of this act shall become fully sprinklered in accordance with the following compliance dates:

(1) If the facility provides resident care above or below the ground floor, the facility must complete installation of sprinklers within twelve (12) months from July 1, 2004 or twelve (12) months from the date of approval of its sprinkler plan, whichever is later.

(2) If the facility provides resident care only on the ground floor, the facility must complete installation of sprinklers within eighteen (18) months from July 1, 2004 or eighteen (18) months from the date of approval of its sprinkler plan, whichever is later.

(3) A facility may request that the department extend its timeframe for installation of sprinklers if the water service supplied by the local water utility or municipality is insufficient to operate the sprinkler system.

(g) A facility not fully sprinklered as of the effective date of this act may choose to completely replace the facility as an alternative to complying with subsection (f). If the facility elects to do so, the new facility must be constructed according to building plans that have been approved by the department of health, and must be in construction beyond the footing stage no later than three (3) years after the effective date of this act.

(h) On and after the effective date of this act, the department of health shall not issue a license to any new facility unless that facility is fully sprinklered and provides a smoke detector in each resident room prior to licensure.

(i) Failure to comply with this section shall be grounds for discipline and/or licensure action by the board pursuant to § 68-11-207. Any facility that fails to comply with the requirements and timeframes of this act may be required to appear before the board to explain its non-compliance.

(j) At least once per year, each licensed facility shall coordinate a fire drill with its local fire department. The local fire department shall observe the fire drill and provide input to the facility relative to the fire safety of the facility.

(k) The provisions of this act shall control to the extent that any provisions of existing law are in conflict with this act.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) The term "facility" as used in this section shall mean:

(1) Any home for the aged, as such term is defined in § 68-11-201, which is licensed for twelve (12) or more beds in which all residents live on the ground floor; or

(2) any home for the aged that has two (2) or more stories in which residents live.

(b) No later than one hundred twenty (120) days after the effective date of this act, any licensed home for the aged that is not fully sprinklered as of the effective date of this act must provide electronically operated smoke detectors with battery back-up power operating at all times in, at least sleeping rooms, day rooms, corridors, laundry rooms, and any other hazardous areas.

(c) Any facility that is not fully sprinklered as of the effective date of this act must submit to the department of health a sprinkler plan for the full sprinklering of the facility.

(1) If the facility provides resident care above the ground floor, the facility must submit the sprinkler plan no later than twelve (12) months from the effective date of this act.

(2) If the facility provides resident care only on the ground floor, the facility must submit the sprinkler plan no later than fifteen (15) months from the effective date of this act.

(3) Any facility that submitted a sprinkler plan to the department prior to the effective date of this act shall not be required to resubmit its plan.

(d) The department of health must review and approve or disapprove any sprinkler plan for a facility within sixty (60) days of the plan being submitted by or on behalf of the facility. Any sprinkler plan for a facility submitted prior to the effective date of this act must be reviewed and approved or disapproved by the department no later than August 1, 2004.

(e) If the department disapproves a sprinkler plan submitted by or on behalf of a facility, that facility or the facility's contractor shall promptly resubmit the plan with any needed corrections or clarifying information. Once resubmitted, the department of health must review and approve or disapprove of the plan no later than thirty (30) days after the plan is resubmitted.

(f) A licensed facility that is not fully sprinklered as of the effective date of this act shall become fully sprinklered in accordance with the following compliance dates:

(1) If the facility provides resident care above or below the ground floor, the facility must complete installation of sprinklers within eighteen (18) months

from July 1, 2004 or eighteen (18) months from the date of approval of its sprinkler plan, whichever is later.

(2) If the facility provides resident care only on the ground floor, the facility must complete installation of sprinklers within twenty-four (24) months from July 1, 2004 or twenty-four (24) months from the date of approval of its sprinkler plan, whichever is later.

(3) A facility may request that the department extend its timeframe for installation of sprinklers if the water service supplied by the local water utility or municipality is insufficient to operate the sprinkler system.

(g) A facility not fully sprinklered as of the effective date of this act may choose to completely replace the facility as an alternative to complying with subsection (f). If the facility elects to do so, the new facility must be constructed according to building plans that have been approved by the department of health, and must be in construction beyond the footing stage no later than six (6) years after the effective date of this act.

(h) On and after the effective date of this act, the department of health shall not issue a license to any new facility unless that facility is fully sprinklered and provides a smoke detector in each resident room prior to licensure.

(i) Failure to comply with this section shall be grounds for discipline and/or licensure action by the board pursuant to § 68-11-207. Any facility that fails to comply with the requirements and timeframes of this act may be required to appear before the board to explain its non-compliance.

(j) At least once per year, each licensed facility shall coordinate a fire drill with its local fire department. The local fire department shall observe the fire drill and provide input to the facility relative to the fire safety of the facility.

(k) The provisions of this act shall control to the extent that any provisions of existing law are in conflict with this act.

(l) In order to facilitate the affordability of safety-related changes required by the provisions of this section, the department of health is authorized to establish a grant program to subsidize a portion or all of the cost of such changes for homes for the aged; provided, however, the department may only use private donations that it receives for such purpose to fund the grants.

SECTION 3. This act shall take effect July 1, 2004, the public welfare requiring it.

PASSED: May 19, 2004


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 8th day of June 2004


PHIL BREDESEN, GOVERNOR